

History



In 1996, Amparo Torres was invited to Canada as a Convention refugee.



She fled Colombia, where she had been a trade union organizer and member of a leftist coalition party called the Union Patriótica.

Colombia is often called the most dangerous country in the world to be a union organizer. The Union Patriótica had its own bloody history.*



The UP was founded in the mid-1980s as part of a national peace process. Its primary function was to bridge the chasm between the government and the FARC, Colombia's oldest and most powerful guerrilla group.

The party had huge popular support, but ultimately the negotiation process fell apart. The ceasefire ended, and war resumed.

*Between 2001 and 2007 more trade unionists were murdered in Colombia than in the rest of the world combined. Over 2,000 murders of trade unionists have been reported since 1991.



The UP had nonetheless achieved something important: it had rallied a large segment of the population around a process that sought an end to decades of bloodshed, while prioritising ordinary people's rights.

The party's strong electoral support, however, was too great of a challenge to the governing elite and its right-wing supporters. Their response was swift and bloody.

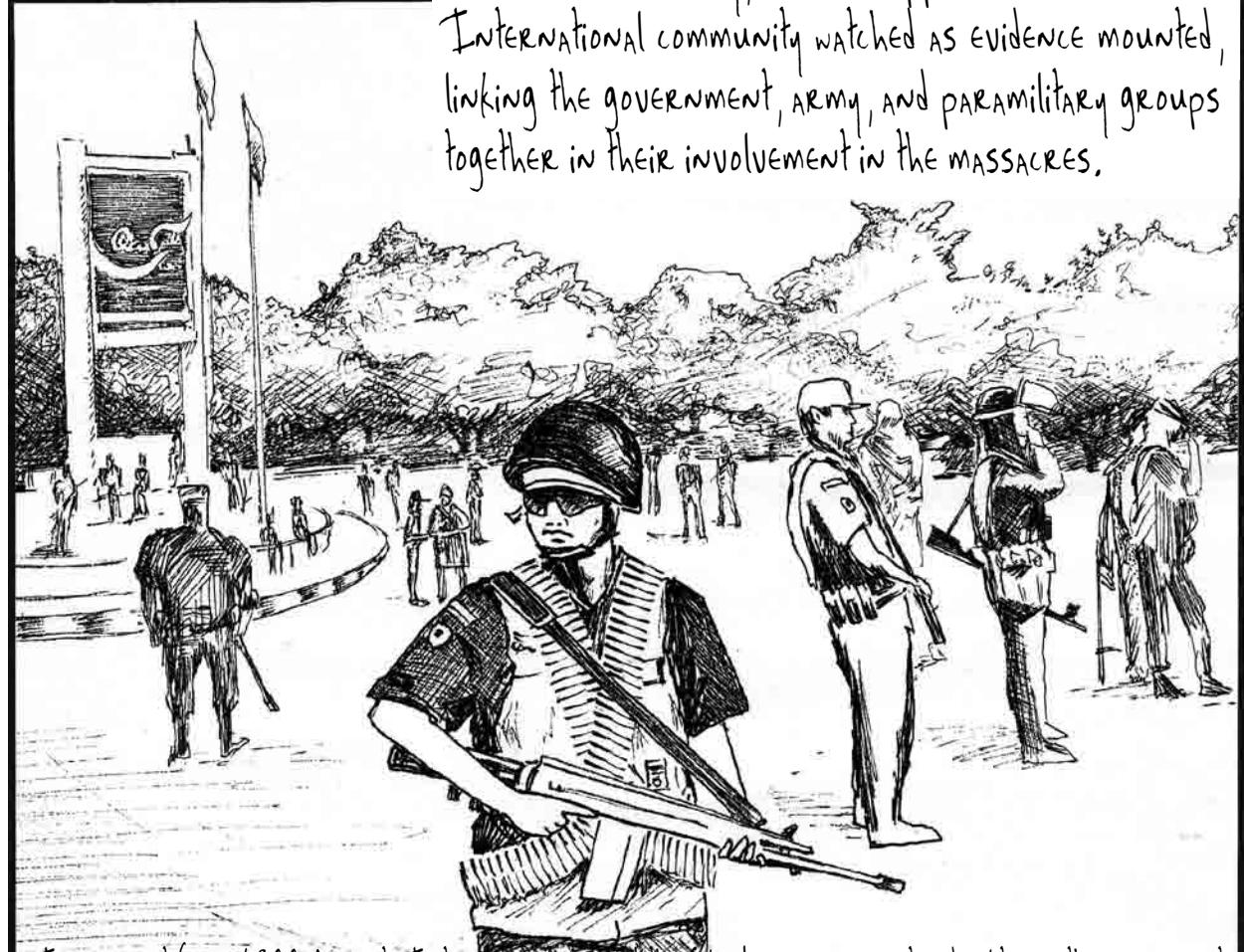


AS MANY AS 5 000 UP MEMBERS AND SYMPATHISERS HAVE BEEN MURDERED BY GOVERNMENT-HIRED ASSASSINS OR RIGHT-WING PARAMILITARIES SINCE THE 1980S².



CARS AND OFFICES WERE BOMBED. HUNDREDS MORE PEOPLE RECEIVED DEATH THREATS, WERE KIDNAPPED, DISAPPEARED, AND TORTURED. AMPARO TORRES AND MEMBERS OF HER FAMILY WERE AMONG THEM.

THE CAMPAIGN WAS LARGELY DESIGNED BY HIGH COMMANDERS IN THE COLOMBIAN MILITARY, WITH THE SUPPORT OF THE USA. THE INTERNATIONAL COMMUNITY WATCHED AS EVIDENCE MOUNTED, LINKING THE GOVERNMENT, ARMY, AND PARAMILITARY GROUPS TOGETHER IN THEIR INVOLVEMENT IN THE MASSACRES.



IN A REPORT FROM 1988, AMNESTY INTERNATIONAL CHARGED THE COLOMBIAN GOVERNMENT AND MILITARY WITH CARRYING OUT A "DELIBERATE POLICY OF POLITICAL MURDER" OF UP MEMBERS AND SUSPECTED "SUBVERSIVES". THE COLOMBIAN GOVERNMENT STRENUOUSLY DENIED THE CHARGE³.

IN 1993, THE INTERAMERICAN COURT FOR HUMAN RIGHTS COMPARED THE "EXTREME" STATE-SPONSORED PERSECUTION OF UP MEMBERS TO A KIND OF GENOCIDE. SINCE THE COURT HAS NO PUNITIVE POWER, THE FINDINGS WERE EFFECTIVELY IGNORED⁴. AS OF YET, NO CLEAR ROLES HAVE BEEN ESTABLISHED TO INSURE THAT INDIVIDUALS WHO HAVE COMMITTED SERIOUS HUMAN RIGHTS ABUSES WILL BE PROSECUTED OR EVEN CHARGED.



Surviving members of the UP spoke out against the crimes, only to become the next victims. The public outrage of others was used to justify judicial interventions. Jails filled with UP members, even as their friends' murderers walked free, with total impunity⁵.

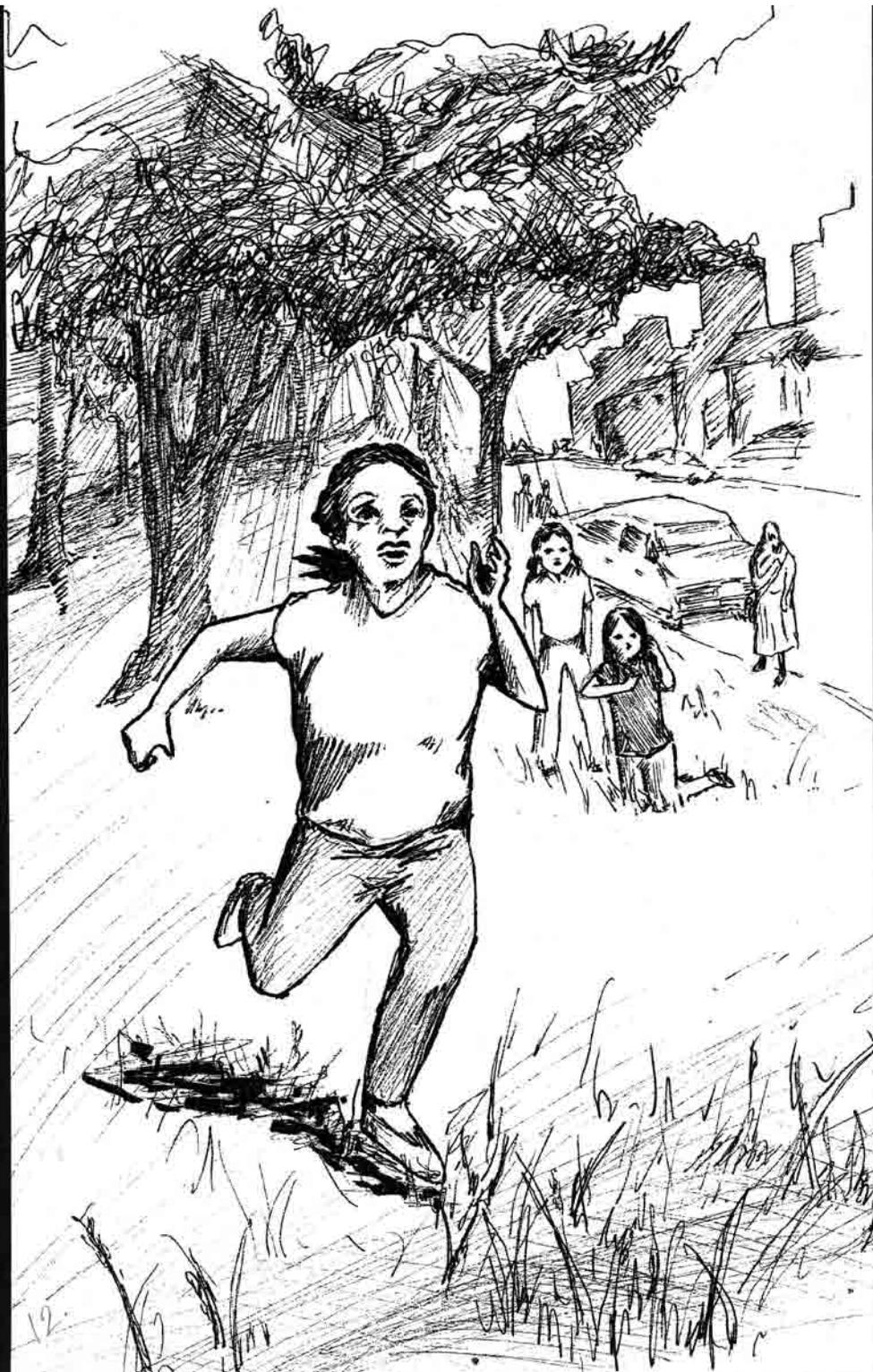


In 1992, Torres was kidnapped and tortured by paramilitaries. Her supporters in the union movement and human rights organizations rallied to save her life. In 1996, she applied for Canada's protection in order to survive.

She was open with Canadian authorities about her political views. She did not conceal her involvement with social justice organizations, the UP or the Communist Party. She was open about all aspects of her personal and public life.



She was accepted immediately.



Across Colombia, fellow party members continued to be killed in broad daylight: teachers in front of their students, parents in front of their children.

While people close to her continued to face persecution, in Toronto Torres began

to build a new life.



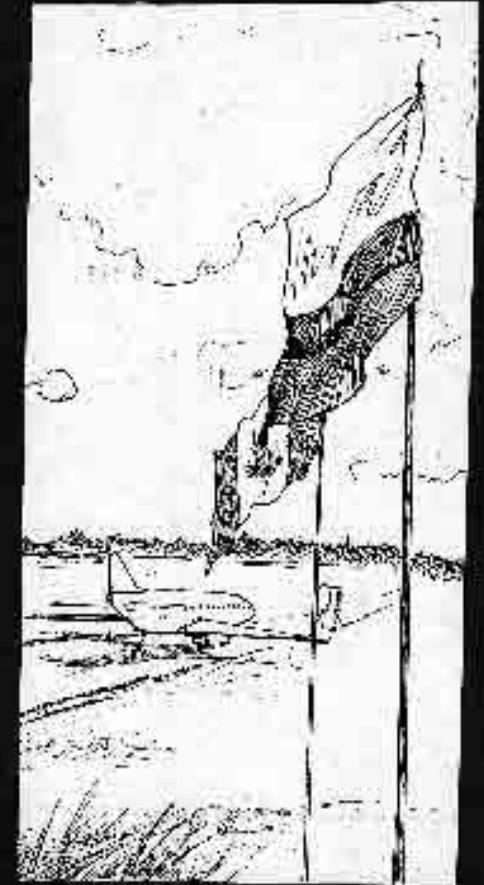
repeats itself



In 1999, still in the midst of civil war, the Colombian government and the FARC initiated another peace process. International delegates were sent in from all over the world, including Canada.

No ceasefire was called, but a demilitarized zone was established where parties could meet and negotiate. Representatives of the FARC were allowed to travel internationally. The group was invited to organize public hearings and have international representation.

The Canadian ambassador to Colombia expressed support of this process as late as December 2001 ⁶.



The peace process was formally cancelled in February 2002.

This time, the government's official approach to the country's internal problems became Plan Colombia. Once again boosting their arsenals with US backing, the decades old civil war became part of the "war on drugs?"

War was in the air, and states that had supported the peace process were quick to get behind Colombia's offensive strategy, financially and politically. Despite their former relationship, Canada added FARC to its new list of "terrorist organizations" in 2003.

Fuerzas Armadas Revolucionarias de Colombia (FARC)

Also known as
Fuerzas Armadas Revolucionarias de Colombia (FARC) (Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo, FARC EP), National Front for the Liberation of Colombia (Frente Nacional para la Liberación de Colombia, FNL), and Coordinadora Nacional Revolucionaria (CNR)

Description
Established in 1964, FARC (Revolutionary Armed Forces of Colombia) is Colombia's oldest, largest, most capable, and most active Marxist insurgent organization. It is a danger to the government and security of Colombia, as well as to regional stability. FARC poses a significant threat to political stability, citizens, expatriates and the military, as it operates with no regard for the law. FARC is guided by its goal of overthrowing the current government in Colombia and replacing it with a Marxist-Leninist system that would force all US interests out of Colombia and Latin America. FARC has been responsible for terrorist activities such as kidnappings and assassinations and the kidnapping of Colombian citizens and Americans.

Date listed:
April 7, 2004

(From Public Safety Canada's
"currently listed entities" under the
Anti-Terrorism Act)

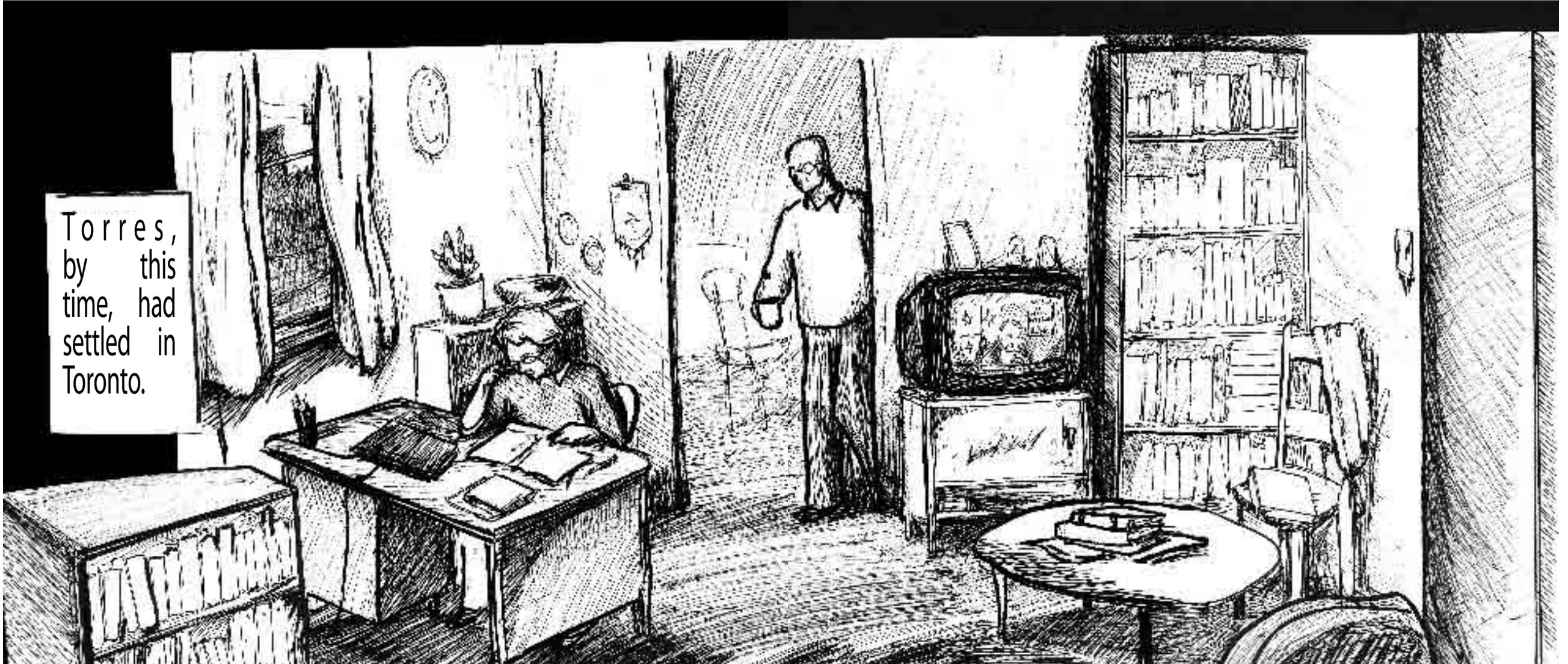


UPDATE

How prepared are the 30 largest U.S. cities for terrorist attacks two years later?



"OPERATIONS IN IRAQ HAVE ENDED". - AP: CNN OIL DOWN



Torres,
by this
time, had
settled in
Toronto.

She continued to be politically outspoken and active in social justice groups.

Still very connected to her home country's struggles, her activism in Canada revolved around building awareness and support around human rights violations in Colombia.



The Canadian Security Intelligence Service had questioned her a handful of times about Colombia. She was up-front with investigators.

It seemed obvious that CSIS was interested in her based on the attention she drew to herself through her activism in Canada.

Despite what seemed like attempts to intimidate her, she felt confident that she could have and express any political opinion she wanted, whether or not it was popular.

It would soon become clear that her rights in Canada were not actually so secure.

In 2005, things changed quickly -

On her way back from a trip to Mexico, Torres was detained at the airport in Toronto. Without explanation, she was subject to a drawn-out interrogation that lasted several hours. At least five men were present for her interview, but only the two Canadians identified themselves. They asked her about her family in Mexico, and some of the men made threats against her son. Only during the last twenty minutes was Torres allowed a translator. She was denied access to a lawyer or phone.

The situation reminded her of her kidnapping all too closely, and Torres feared that the other men from the interview were part of the notorious Colombian Security Service. She immediately found a lawyer for protection, and to defend her citizenship.

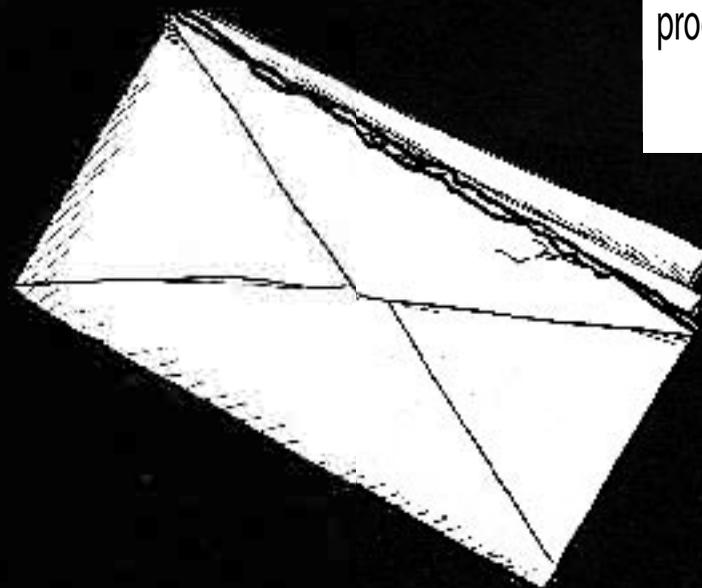


Overnight, Torres went from being a political refugee and high-profile human rights advocate, to a "suspected terrorist".

Although CSIS hadn't proven any of its claims, the mere association with the word "terrorist" carried its own heavy sentence; for her the nightmare had already begun -

Friends and members of her community were approached by agents.

Employers, even friends in other countries, heard of the proceedings through the international media. Chilled by the sensational accusations, many of them withdrew.





On top of the shock, fear and isolation these accusations bring, now Torres has to fight to prove that the accusations against her are false. The task, however, is nearly impossible.

Because CSIS claims that her case is related to “national security,” it can conceal the nature of the allegations from Torres and her lawyer, as well as the sources of evidence.

The agency only needs to prove that it has “reasonable grounds to believe” that Torres “engages, has engaged or will engage” with a group that is considered by Canada to be a threat to state security⁸.

Her lawyer is completely in the dark. With no evidence and no accusations to work with, he is left chasing shadows. Torres has been able to successfully counter some of what the government has presented during open sessions of the hearing, but the bulk of the accusations against her remain hidden. Even the contents of the security check which she cleared in order to first enter the country are now withheld as secret⁹.



Amparo Torres finds herself fighting again for survival, this time to remain in Canada where she has lived for over ten years. It is critical that the Canadian government recognize her right to asylum, but giving her that protection is not enough. As a member of the international community, Canada has the responsibility not only to acknowledge that Torres deserves protection, but to fully and honestly examine why.

In February 2008, the bones of Amparo's sister were returned to her family. They were uncovered in a mass grave that year through the work of a human rights organization. She had been disappeared more than a decade earlier as part of the anti-UP slaughter.



For all her years in Canada, Amparo will always be deeply connected to her home country -



Like Amparo, the Canadian state should have the courage to take leadership, and put pressure on other states to begin working together down the long and painful road towards justice and genuine change.



In her mourning, she joins thousands of other Colombians who remember the victims of crimes of the state - those who fight against the silencing of their stories, and who demand justice.

Although it is a dramatic illustration of the failure of Canadian immigration and security system, Amaparo's story is not an isolated case. Every day migrants and refugees are turned away from Canada on the grounds of "inadmissibility" for security reasons – often because they were politically active against repressive states in their home countries, or because they are thought to be linked with groups that fall into the porous, politically loaded definition of "terrorist". The information used to target these people might be provided to Canadian authorities by the agents of repressive states themselves, or be extracted from other unreliable sources, such as speculative newspaper articles, or statements made under torture. Most refugees in these situations never have a chance to defend themselves against false allegations. Individuals are routinely rejected from Canada not for what they have done, but for the views that they represent.

The Colombian Security and Intelligence (DAS) has a long record of using torture as a means of obtaining evidence. What's more, the present government of Colombia has consistently expressed intolerance for what most Canadians would consider to be mainstream social justice organizations, and uses language associating them with "terrorism": in 2003, Colombian President Álvaro Uribe accused human rights groups of being, among other things, "spokesmen for terrorism" and "politickers of terrorism." Among the groups he referred to were Amnesty International, Peace Brigades International, and Human Rights Watch.¹⁰ Despite the glaringly obvious problems of reliability and objectivity, CSIS has not denied that its information against Torres comes from Colombian sources; in fact the agency has asserted that it "has no spies collecting information on other countries but instead relies heavily on other countries to supply information."¹¹

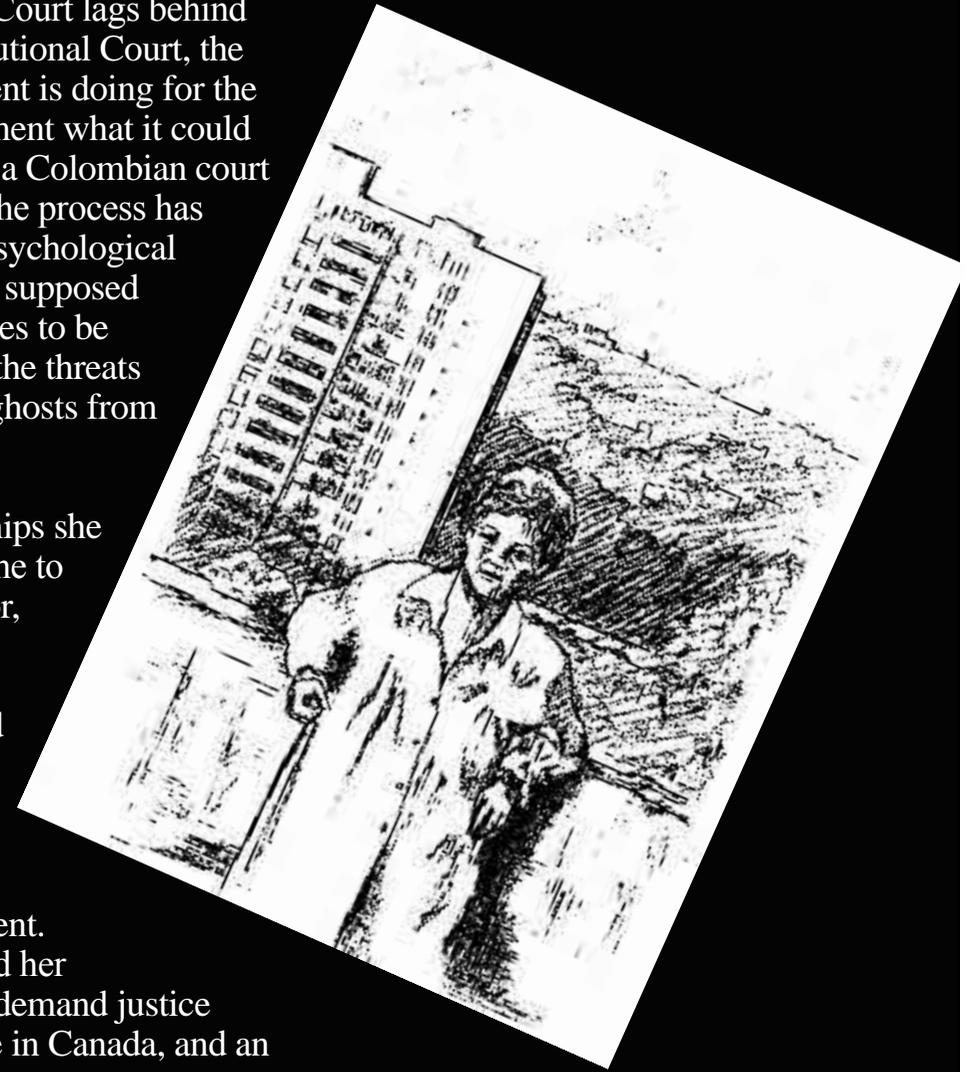
The Canadian government has made Torres's case a matter of immigration law, even though she has lived in Canada as a permanent resident for over ten years. In this time she has never been convicted of a criminal act. Whether or not she is found to actually be a "security risk," the possibility that she could at some point in the future become one is enough grounds for deportation and removal back to Colombia. The secret trial process allows the government to conceal CSIS's dubious and unethical research.

For Torres, the results of this process are both traumatic, and potentially deadly.

Years ago, Colombia's Constitutional Court ruled that secret trials are fundamentally unjust, and that a trial that relies on secret evidence cannot yield fair or reliable results. This judgment came on the tail of years of disastrous experimentation with secret trials; attempts to reduce violence against witnesses by the use of secret evidence ultimately only increased the number of false convictions; meanwhile witnesses, prosecutors and sometimes even judges continued to be murdered.

Federal court judge Anne Mactavish ruled that there is potentially a "serious" concern about fairness in the trial against Torres, and yet the process continues.¹² Because Canada's Supreme Court lags behind Colombia's Constitutional Court, the Canadian government is doing for the Colombian government what it could not, in theory, do in a Colombian court of law. For Torres, the process has become a form of psychological torture. Here, in her supposed asylum, she continues to be persecuted both by the threats of the present, and ghosts from her past.

For all of the hardships she has seen, Torres came to Canada as a survivor, and she continues to survive with incredible grace and conviction. In the face of injustices, both in Canada and in Colombia, she refuses to be silent. She continues to add her voice to others and demand justice in Colombia, justice in Canada, and an end to secret trials.



Endnotes:

1. "Colombia Fact Sheet: Murders of Trade Unionists and Impunity Under Uribe." U.S. Labor Education in the Americas Project, International Labor Rights Forum, Washington, March 31, 2008.
2. Figures vary according to sources; this is currently the highest estimate available. see: "Fear, impunity and state power: Colombia's paramilitary regime and social movements," The Dominion, February 2008, p 7; "Walking Ghosts: Murder and Guerilla Politics in Colombia," Dudley, 2004 .
3. see: "Colombia's Checkbook Impunity - a Briefing Paper." Human Rights Watch, September 22, 2003.
4. Inter-American Court , also see: "Final Statement of the Third National Encounter of the Movement of Victims of State-Sponsored Crimes," KAIROS, Bogotá, Colombia, July 9 2006.
5. For names of victims and more portraits, see "Víctimas del Genocidio Político contra Unión Patriótica," Fundación Manuel Cepeda Vargas, available: <http://www.desaparecidos.org/colombia/fmcepeda/genocidio-up/index.html>
6. "Beyond Law and Justice," Submission to International Commission of Jurists ICJ: Eminent Jurists' Panel on Terrorism, Counter-terrorism and Human Rights (Toronto), April 24, 2007.
7. See: "US weighs cost of Plan Colombia." BBC News, November 7 2008.
8. Immigration and Refugee Protection Act of Canada, section 34(f).
9. See "A 'serious' concern with fairness,." The Toronto Star, November 4, 2007.
10. Speech by Colombian President Álvaro Uribe, September 8, 2003
11. "Beyond Law and Justice," 2007.
12. see: "A serious concern with fairness," The Toronto Star.

Sources and works referenced:

Books and articles:

- "A 'serious' concern with fairness." Thomas Walkom, The Toronto Star, November 4, 2007. pA8 available: <http://www.thestar.com/News/article/273351>
- "Colombia: Paramilitary Television Broadcast a Travesty." HRW News, Human Rights Watch, (New York) November 25, 2003. available: <http://www.hrw.org/press/2003/11/colombia112503.htm>
- "Colombia resumes rebel dialogue." BBC World News, December 22, 2001. available at: <http://news.bbc.co.uk/2/hi/americas/1724659.stm>
- "Colombia's growing paramilitary force." Jeremy McDermott, BBC World News, January 7, 2002. available: <http://news.bbc.co.uk/2/hi/americas/1746943.stm>
- "Fear, impunity and state power: Colombia's paramilitary regime and social movements, " David Parker, The Dominion, February 2008, p 7
- "Inter-American Court Newly Condemns the Colombian State and Calls into Question the Demobilization Process", Colombia Support Network Washington, D.C., June 8, 2007. available: <http://colombiasupport.net/news/2007/06/inter-american-court-newly-condemns.html>
- " 'No question' Canada on terror list; Harper's security adviser tells Senate committee 'we are not immune' to threat of terrorism." Richard Brennan, The Toronto Star, March 27, 2007. p A10
- "Union activist belongs to terror group, CSIS says." Stewart Bell, The National Post, July 7 2005. pA5
- "US weighs cost of Plan Colombia." BBC News, November 7 2008. available: <http://news.bbc.co.uk/2/hi/americas/4627185.stm>
- Walking Ghosts: Murder and Guerilla Politics in Colombia. Steven S. Dudley, Routledge (New York & London), 2004.

Reports:

“Beyond Law and Justice: Counter-terrorism and the War on Terror: A Disastrous Political Concept” Dieter Misgeld, Submission to International Commission of Jurists ICJ: Eminent Jurists’ Panel on Terrorism, Counter-terrorism and Human Rights (Toronto) April 24, 2007.

“Colombia 2002 – 2006: Situation regarding human rights and humanitarian law.” Colombian Commission of Jurists, January 2007. available:

http://www.coljuristas.org/documentos/documentos_pag/SituacionDDHH2006Ingles.pdf

(<http://www.coljuristas.org>)

“Colombia’s Checkbook Impunity - a Briefing Paper.” HRW Briefing Paper, Human Rights Watch, September 22, 2003. available: <http://hrw.org/backgrounder/americas/checkbook-impunity.htm>

“Colombia – Country Reports on Human Rights Practices – 2006.” U.S. Department of State, March 6, 2007. available: <http://www.state.gov/g/drl/rls/hrrpt/2006/78885.htm>

“Colombia Fact Sheet: Murders of Trade Unionists and Impunity Under Uribe.” U.S. Labor Education in the Americas Project, International Labor Rights Forum, Washington, March 31, 2008. available: <http://www.laborrights.org/end-violence-against-trade-unions/colombia/resources/1258>

“Colombia: Political Dynamics” Carnelian International Security and Risk Resources. available: http://web.archive.org/web/20040616211546/http://www.carnelian-international.com/colombia/Political_Dynamics.htm

“Second Report on the Situation of Human Rights in Colombia,” Inter-American Commission on Human Rights, Organization of American States, Doc. 39 rev, 14 October 1993. available: <http://www.cidh.oas.org/countryrep/Colombia93eng/toc.htm>

“The Uribe government and NGOs.” The Centre for International Policy’s Colombia Program, September 8, 2003. available: <http://www.ciponline.org/colombia/ngos.htm>

Other resources:

Speech by Colombian President Álvaro Uribe, September 8, 2003, available: <http://www.presidencia.gov.co/cne/2003/septiembre/08/13082003.htm>
(Also available through the Center for International Policy’s Colombia Program: <http://www.ciponline.org/colombia/030908urib.htm>)

“Final Statement of the Third National Encounter of the Movement of Victims of State-Sponsored Crimes,” KAIROS, Bogotá, Colombia, July 9 2006. available: <http://www.kairoscanada.org/e/countries/colombia/colombiaVictimsStatement0607.pdf>

“Víctimas del Genocidio Político contra Unión Patriótica,” Fundacion Manuel Cepeda Vargas, available: <http://www.desaparecidos.org/colombia/fmcepeda/genocidio-up/index.html>

Criminal Code of Canada. available: <http://laws.justice.gc.ca/en/C-46/>

Immigration and Refugee Protection Act of Canada. available: <http://laws.justice.gc.ca/en/ShowTdm/cs/I-2.5///en>

Public Safety Canada:
<http://www.ps-sp.gc.ca/index-en.asp>

International Labor Rights Forum
<http://www.laborrights.org>

U.S. Labor Education in the Americas Project
<http://usleap.org/>

Human Rights Watch
<http://hrw.org/>

National Movement of Victims of State Crimes (Movimiento Nacional de Víctimas de Crímenes de Estado)
<http://www.movimientodevictimas.org/>

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by **laura macDonald**

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